IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 704 of 2005

Between:

S.K.Kasubai, s/o late Meeravali,
r/o Khammam X Road, Kodad, Nalgonda District.

..... PETITIONER

AND

1 The Deputy Commissioner of Prohibition and Excise, Kakinada, E.G.District.
2 The Prohibition and Excise Sub-Inspector, Jaggaiahpet, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order writ or direction more particularly one in the nature of writ of mandamus, to declare the seizure of Auto Rickshaw bearing Reg.No.AP-16-TU-6240 under Cr.No.690/2004-05 on the file of the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle bearing Reg.No.AP-16-TU-6240 to the petitioner, and to grant such other relief or reliefs.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

The Auto Rickshaw bearing No.AP-16-TU-6240 belonging to the petitioner was seized in Crime No.690 of 2004-05 of Excise P.S., Jaggaiahpet on the allegation that it was used in transporting illicit liquor. Proceedings were initiated before the first respondent under the relevant provisions of the A.P. Excise Act. The petitioner states that he submitted an application on 16-01-2005 before the first respondent for release of the vehicle and complains that no orders have been passed thereon. He seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

On finding that the vehicle of the petitioner was used in transporting illicit liquor, the second respondent initiated proceedings against the petitioner. The first respondent is conferred with the power to pass appropriate orders as to the interim custody of the seized vehicles. The petitioner filed an application on 16-01-2005. It cannot be said that there was undue delay in the disposal of the application. Be that as it may, it cannot be kept pending indefinitely.

Hence, the writ petition is disposed of directing the first respondent to pass

appropriate orders on the application dated 16-01-2005 filed by the petitioner, within a period of 10 days from the date of receipt of a copy of this order. No order as to costs.

_____

25-01-2005

Note: Issue C.C. in three days.

(B/o)

kdl

To

1 The Deputy Commissioner of Prohibition and Excise, Kakinada, E.G.District.
2 The Prohibition and Excise Sub-Inspector, Jaggaiahpet, Krishna District.

3 Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.